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**TRANSMITTAL  
FORM**

Application Number	10/808,705
Filing Date	March 23, 2004
First Named Inventor	Herbert Früh
Title	Composition of Matter and its Use as a Coagulant and Flocculent
Group Art Unit	1724
Examiner Name	Peter A. Hruskoci
Attorney Docket Number	GMM/414/PC/US

**ENCLOSURES**

- ☐ Response to Office Action ☐ Preliminary Amendment
- ☐ Information Disclosure Statement ☒ Postcard reflecting enclosures
- ☒ Response to Restriction or Election Requirement
- ☒ It is hereby petitioned that any required extension of time be granted for filing the amendment.  
An extension of \_\_\_\_\_ month(s) having a fee of \$ \_\_\_\_\_ appears required.
- ☐ A check in the amount of \$ \_\_\_\_\_ is attached. Please credit any overpayment to  
Deposit Account 16-2563 of Alix, Yale & Ristas, LLP.

The Commissioner is hereby requested and authorized to charge Deposit Account 16-2563 of Alix, Yale & Ristas, LLP for any fee, not enclosed herewith, due for any reason in connection with the amendment or this or any other document accompanying the amendment, including (a) any filing fees under 37 CFR 1.16 for the presentation of extra claims and (b) any patent application processing fees under 37 CFR 1.17. *A duplicate copy of this sheet is attached.*

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**Firm or  
Individual name

Guy D. Yale

Reg. No.

29,125

Signature

Date

July 28, 2004

Attorney's Docket No.

GMM/414/PC/US

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited on the date below with the United States Postal Service as first class mail in an envelope addressed to "Mail Stop Non-Fee Amendment, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450."

Typed or Printed Name

Guy D. Yale

Reg. No.

29,125

Signature

Date:

July 28, 2004



Attorney Docket No.: GMM/414/PC/US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of: Herbert FRÜH et al.

Application No.: 10/808,705

Examiner: Peter A. HRUSKOCI

Filing Date: 03/23/2004

Group Art Unit: 1724

For: Composition of Matter and its use as a Coagulant and Flocculent

To: Commissioner for Patents, Mail Stop: Non-Fee Amendment, P.O. Box 1450,  
Alexandria, Virginia 22313-1450

Sir:

**RESPONSE TO RESTRICTION OR ELECTION REQUIREMENT**

The Office Communication mailed on 07/02/2004 for the above application imposed a two (2) way restriction requirement between the asserted inventions of Groups:

- I. claims 1-13, drawn to a composition, classified in class 252, subclass 181; and
- II. claims 14-17, drawn to a method classified in class 210, subclass 626;

In order to strictly comply with the Examiner's requirement in the above restriction requirement, and without agreeing to the propriety of the restriction requirement, Applicant elects, with traverse, the invention of Group 1, including claims 1-13, drawn to a composition.

MPEP section 803 states (underlining added) "If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."


The Examiner has not shown it would be a "serious burden" to perform a complete search and examination on all of the claims as originally filed. Alternatively, the Examiner has not shown it would be a "serious burden" to perform a complete search and examination on more than just Group 1 but less than all of the originally filed claims. Since

the Examiner has not made any showing of undue burden, each of the above requirements for restriction and election is respectfully traversed and the Examiner is respectfully urged to withdraw or modify the same.

Respectfully submitted,

Herbert FRÜH et al.

Date: July 28, 2004  
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